IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 315 of 2004(K)

PETITIONER:

K.P.BHASKARAN, S/O. BAPPUTTY,
KARUPARAMMAL, ENGAPUZHA, KOZHIKODE.

BY ADV. SRI.T.G.RAJENDRAN.

RESPONDENTS:
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1. **CANARA BANK, ADIVARAM P.O.,**
   KOZHIKODE DISTRICT.

2. **THE GENERAL MANAGER, DISTRICT**
   INDUSTRIES CENTRE, KOZHIKODE.

3. **THE DIRECTOR OF INDUSTRIES & COMMERCE,**
   THIRUVANANTHAPURAM.

4. **STATE OF KERALA, REP.BY CHIEF**
   SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI.P.K.RAVISANKAR,
GOVERNMENT PLEADER.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.315/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE LETTER SENT BY THE R.2. TO THE R.3. DTD. 03/10/01.

EXT.P.2: COPY OF THE LETTER SENT BY THE R.2. TO THE R.3. DTD. 07/01/2003.

EXT.P.3: COPY OF THE LETTER SENT BY THE PETITIONER TO THE R.1. DTD. 12/08/2003.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

P.A. TO JUDGE

prv.

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.315 OF 2004

Dated this the 27th day of July, 2007

JUDGMENT

The petitioner, an S.S.I. unit, availed a loan and applied for Margin Money Loan. Going by para 4 of the counter affidavit of the second respondent, the first respondent recommended the application for Margin Money Loan and it was dated 8.6.2001. The Bank forwarded that application to the General Manager, District Industries Centre on 18.6.2001 and it was received by the General Manager, District Industries Centre on 19.6.2001. There was, thus, a delay of four days in the actual receipt of the application in the office of the General Manager, District Industries Centre. As discernible from the third paragraph of Ext.P1, the Bank, a nationalised one, had owned up the responsibility for the delay of four days. Under such circumstances, ends of justice require that the application of the petitioner for Margin Money Loan needs to be considered, condoning the delay of four days. The specific existence of such power in the

relevant Government Order would be of no consequence, in view of the directions being issued in this judgment.

In the result, this writ petition is allowed directing that the application submitted by the petitioner for Margin Money Loan and forwarded to the General Manager, District Industries Centre as per Ext.P1 order shall be taken up, considered and disposed of in accordance with law, without treating it as having been filed out of time. A final decision shall be taken and the requisite done within a period of three months from the date of receipt of a copy of this judgment. No costs.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.